

REMARKS

Claims 1 through 51 are pending. Claims 1-11, 16-31, and 33-51 have been withdrawn from further consideration under 37 C.F.R. § 1.142(b). Paper No. 10 at page 2. Applicants reserve the right to file one or more divisional applications directed to the subject matter of the non-elected claims.

Claims 12, 13, 14, 15, and 32 have been amended. Support for amended claims 12, 13, 14, and 15 may be found throughout the specification at, for example, page 6, lines 6 through 16, page 10, line 22 through page 11, line 12, page 14, lines 12 through 24, and page 57, line 8 through page 58, line 23. Support for amended claim 32 may be found throughout the specification at, for example, page 18, line 28 through page 19, line 24.

New claims 52, 53, 54, 55, 56, 57, and 58 have been added. Support for new claim 52 may be found throughout the specification at, for example, page 4, lines 8 through 20. Support for new claims 53, 54, 55, 56, and 57 may be found throughout the specification at, for example, page 10, line 22 through page 13, line 16. Support for new claim 58 may be found throughout the specification at, for example, page 13, lines 17 through 24.

It is submitted that no new matter has been introduced by the present amendments and new claims and entry of the same is respectfully requested. By the amendments and new claims, Applicants do not acquiesce to the propriety of any of the Examiner's rejections and do not disclaim any subject matter to which Applicants are entitled. *Cf. Warner Jenkinson Co. v. Hilton-Davis Chem. Co.*, 41 U.S.P.Q.2d 1865 (U.S. 1997).

Election/Restrictions

The Examiner has acknowledged the Applicants' election, without traverse, of the claims of Group III (Claims 12-15 and 32) for prosecution in the subject application. Paper No. 10 at page 2. As noted above, Applicants reserve the right to file one or more divisional applications directed to the subject matter of the non-elected claims.

Specification

The Examiner has objected to the specification. Specifically, the Examiner maintains that the specification fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825. Paper No. 10 at page 2. Applicants respectfully traverse.

Without acquiescing to the Examiner's objection, and solely in order to promote the

progress of the present application, Applicants file concurrently herewith a paper and computer readable format sequence listing together with amendments to the specification pursuant to 37 C.F.R. §§ 1.821-1.825. Applicants respectfully submit that this paper and computer readable format sequence listing together with amendments to the specification pursuant to 37 C.F.R. §§ 1.821-1.825 obviate the objections to the specification.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the present objections to the specification.

Rejection under 35 U.S.C. § 102(b)

The Examiner has rejected claims 12-15 and 32 under 35 U.S.C. § 102(b). Specifically, the Examiner contends that the claims are “anticipated by Jost et al. Blood, 92(1):300-309, (1998).” Paper No. 10 at pages 2-3. Applicants respectfully traverse.

In order to support an anticipation rejection under 35 U.S.C. § 102, the Examiner must illustrate that each and every element of a claimed invention was disclosed within a single prior art reference. *In re Bond*, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990).

Amended independent claim 12 defines an isolated membrane vesicle that is secreted from a mastocyte or mastocyte derived cell, and which comprises one or more heterologous molecules of interest.

Applicants respectfully submit that Jost does not teach each and every element of the claimed compositions. Jost purportedly relates the results of a study, using CR1 as a marker, of the regulation of certain compartments within RBL cells. The results of the study allegedly suggest that, upon transfection of DNA coding for CR1 into RBL cells, “CR1 was present primarily intracellularly in small vesicles” and that activation of the cells “resulted in translocation of intracellular CR1 to the plasma membrane.” Jost at 300 (emphases added). There is no teaching or suggestion in Jost of a secreted vesicle, let alone any isolated membrane vesicle that is secreted from a mastocyte or mastocyte derived cell as defined in amended independent claim 12.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the present rejection under 35 U.S.C. § 102(b).

CONCLUSION

Applicants respectfully request that the Examiner enter the amendments, consider the present remarks, and reconsider and withdraw the pending objection and rejection. Should there be any further matters requiring consideration, the Examiner is invited to contact the undersigned counsel.

If there are any additional fees due in connection with the filing of this amendment, please charge the fees to undersigned's Deposit Account No. 50-1067. If any extensions or fees are not accounted for, the extensions are requested and the fees should be charged to said deposit account.

Respectfully submitted,

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